THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 28454 of 1995

DATE: 17-01-2007

Between :

K.Pattabhi

… Petitioner

And

The Principal Assistant Sessions Judge,
Chittoor and another.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 28454 of 1995

ORDER:

The petitioner, a practicing advocate, was appointed as Additional Public Prosecutor to conduct prosecutions in the Court of Additional Assistant Judges' Courts, Chittoor. Admittedly, his term expired on 06-10-1995. However, by virtue of the order, dated 28-09-1995, passed by the Collector and District Magistrate, Chittoor, he was permitted to hold the post of Additional Public Prosecutor beyond 06-10-1995 till a new Additional Public Prosecutor is appointed by the Government and assumes charge or until further orders whichever is earlier.

This writ petition is filed aggrieved by the order dated 08-12-1995 passed by the Principal Assistant Sessions Judge, Chittoor in S.C.No.53 of 1995 holding that the petitioner cannot represent the State of Andhra Pradesh since his continuation under the order dated 28-09-1995 is contrary to the provisions of Section 24(4) of the Code of Criminal Procedure.

The impugned order, dated 08-12-1995, has been suspended by this Court, and the interim suspension continued to be in force till today.

As can be seen, the order dated 28-09-1995 was passed by the Collector and District Magistrate, Chittoor only as an interim arrangement and by virtue of the interim order it has already worked itself out. Hence, no adjudication on merits is necessary in the writ petition.

Accordingly, the writ petition is disposed of. No costs.

G. ROHINI, J.

Dt. 17-01-2007

KLP